

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED

October 12, 2010

In the Matter of G. E. CASTILLO Minor.

No. 297029

Saginaw Circuit Court

Family Division

LC No. 08-031718-NA

In the Matter of CURTIS Minors.

No. 297037

Saginaw Circuit Court

Family Division

LC No. 08-031719-NA

Before: O'CONNELL, P.J., and BANDSTRA and MARKEY, JJ.

PER CURIAM.

In these consolidated appeals, respondent fathers, E. Morris and R. Dixon, appeal as of right from orders terminating their parental rights pursuant to MCL 712A.19b(3)(c)(i) and (g). The trial court also terminated the parental rights of the children's mother; the mother is not participating in this appeal. We affirm.

Morris is the father of G. E. Castillo. Dixon is the father of the three Curtis children. All four of the children lived with their mother and with Dixon during the times that Dixon and the mother lived together. The children have been under petitioner's jurisdiction for nearly two years. In November 2008, the trial court held an adjudicatory hearing at which the mother and respondents admitted certain allegations. Regarding D. Curtis, the mother admitted that she did not seek prenatal care during her pregnancy, that the child was born exposed to marijuana, and that the child was in the hospital neonatal intensive care unit. Dixon agreed with these admissions. Regarding the child S. Curtis, both Dixon and the mother admitted that S. was medically fragile, and that both parents had failed to follow through with medical appointments for the child. Regarding the child G. E. Castillo, both Morris and the mother admitted that Morris had failed to provide physical, financial, and emotional support for the child.

For the next few months, the mother and Dixon made some progress with petitioner's service agreements. D. and R. Curtis were returned to the mother's care in March 2009; G. E. Castillo and S. Curtis were returned to her care in July 2009. During this time, Morris participated in two visits with G. E., but thereafter did not continue his visits, did not contact

service providers, and did not attend the review hearings. In September 2009, petitioner again removed the children from the parental home. Petitioner presented the trial court with a termination petition at the time of the removal hearing.

To terminate parental rights, the trial court must find that at least one of the statutory grounds for termination set forth in MCL 712A.19b(3) has been met by clear and convincing evidence and that termination is in the child's best interest. MCL 712A.19b(5); see also *In re Trejo*, 462 Mich 341, 355; 612 NW2d 407 (2000). We review the trial court's decision for clear error. MCR 3.977(K).

We turn first to respondent Morris's appeal. Morris acknowledges that he was immature when this case began, and that he delayed his involvement with his child. He argues that once he became involved, he made substantial progress in a relatively short period of time. He asserts that if the trial court had given him three to six months more, he could have provided G. E. with proper care and custody. As such, he contends the trial court erred in terminating his parental rights.

We disagree. The record indicates that at the time of the termination hearing, Morris lacked independent housing and had no income. Although his therapist and the clinical social worker testified that he had made progress in bonding with G. E., both professionals testified that Morris would need additional time and further services before he would be able to care for the child. Given that services had been available to Morris for more than a year, the trial court did not clearly err in determining that the statutory grounds for termination had been met. MCL 712A.19b(3)(c)(i), (g). Further, based upon the child's need for permanence and stability, the trial court properly determined that termination was in the child's best interest. MCL 712A.19b(5).

We turn now to respondent Dixon's appeal. Dixon calls our attention to the favorable testimony from both of his therapists. The therapists indicated that with additional counseling Dixon would be able to improve his parenting skills and would be in a position to care for the children in three more months. The trial court addressed this issue in the termination order from the bench. The court noted, "whatever the intent of these parents, none of them provides these children with proper care and custody." The court continued,

We keep talking about another chance. That's what the last 17 months was. We talk about, "just give it another three to six months," that's in the best of all possible worlds. I have to look at what's already gone on here. I have parents who have had chances, repeated chances. And in February, almost March of 2010, I still can't return these kids safely to any of these parents. The children have waited long enough. This has got to stop.

We find no clear error in the trial court's conclusion. The record supports the determination that Dixon remained unable to care for all three children and that he would not gain that ability within a reasonable time given the children's young ages. MCL 712A.19b(3)(c)(i). Further, after 17 months as temporary wards, all of the children in this case were entitled to permanence and stability. The trial court properly concluded that the children's best interests were served by terminating respondents' parental rights. MCL 712A.19b(5).

Affirmed.

/s/ Peter D. O'Connell
/s/ Richard A. Bandstra
/s/ Jane E. Markey